THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9675 of 2007

Dated:01.05.2007

Between:

Ledla Prabhudas.

…Petitioner

and

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9675 of 2007

ORDER:

The petitioner alleges that he is the owner of the land admeasuring Ac.0.18 cents in R.S.No.149/5C situated at Tamarakollu Village of Kaikaluru Mandal in Krishna District. The petitioner, allegedly, irrigates the land from the water that flows in a small agricultural canal through his land. The fourth respondent constructed petroleum outlet in 2001 in the land comprised in Survey No.151/2A, 151/3A and 151/3C. He caused obstruction to the agricultural canal and constructed a ramp leading to the petrol bunk. This resulted in deprivation of water to the petitioner and other small farmers. Again in 2006 the fourth respondent tried to construct the ramp. The petitioner gave a complaint to the third respondent who removed the obstruction to the agricultural canal. Again in February 2007, the fourth respondent allegedly closed the agricultural canal and constructed ramp. Therefore, on 13.03.2007 the petitioner again gave a representation to the third respondent, in vain. Therefore, in this Writ Petition he seeks a direction to respondents 1 to 3 to remove the obstruction caused by the fourth respondent.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-A). Admittedly, the petitioner gave a representation only on 13.03.2007. Even before the third respondent could take any action, he rushed to this Court by filing this Writ Petition. As held by this Court in **Mir Fazle Ali Nasiri v. State of A.P. and others**[1] unless and until delay on the part of the public authority in taking action is arbitrary and capricious, a time

bound schedule cannot be fixed for taking action.

The Writ Petition is misconceived, and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

01.05.2007
vs

[1] 2007 (2) ALD 3